

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75604

James Waters
Barbara Johnson et al

17333 Big Falls Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 16, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-404; Baltimore County Zoning Regulations (BCZR) section 428, failure to replace/repair exterior of home, failure to tag or remove vehicle on residential property zoned RC 5 known as 17333 Big Falls Road, 21111.

On May 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 14, 2010 for removal of untagged/inoperative motor vehicle, remove hazardous or unsafe condition, repair exterior walls, repair exterior construction, rotted wood, gutters, downspouts, windows, roof. This Citation was issued on May 20, 2010.

B. Photographs in the file show a red sport utility vehicle parked in the yard of this residential property, with no tags. Maryland Motor Vehicle Administration records show the tags were suspended in August 2000. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property.

C. Photographs in the file show a vacant house in seriously deteriorated condition. The wood siding is severely weathered, with peeling paint and bare wood, and with siding warped and in some places detached or missing. The roof is visibly damaged and the soffits are peeling and damaged. Most of the windows appear intact but some are boarded. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondent's expense. If the building violations are not corrected, this case will be referred to the Building Engineer for evaluation of the safety of the structure and consideration of whether a razing order is appropriate.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$6,000.00 (six thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by August 2, 2010.

IT IS FURTHER ORDERED that after August 2, 2010, the County may enter the property for the purpose of removing the untagged vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that after August 2, 2010, if the building violations have not been corrected, the case shall be referred to the Baltimore County Building Engineer for evaluation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer